

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawing include changes to Fig. 3. This sheet of drawing, which includes Figs. 1-6, replaces the original sheet of drawing that includes Figs. 1-6. In Fig. 3, opening 20 and peripheral surface 22, now identified in the specification, have been labeled.

## **REMARKS/ARGUMENTS**

### **STATUS OF CLAIMS**

In response to the Office Action dated July 18, 2007, claims 1, 3-10 and 12-15 have been amended, and claims 17-19 have been added. Claims 1-10, 12-15 and 17-19 are now pending in this application.

### **OBJECTION TO ABSTRACT AND SPECIFICATION**

The Examiner has objected to the abstract of the disclosure for not being on a separate sheet and the disclosure for not being in the suggested format for a U.S. application.

By this response, the Abstract of the disclosure has been deleted and new Abstract of the disclosure that is on a separate sheet has been submitted. In addition, the current specification has been deleted and a substitute specification has been submitted. A marked-up copy of the specification, showing changes in the original specification, has also been submitted.

The substitute specification shows changes made to the detailed description of Figure 3 on page 5 of the specification. More specifically, the specification has been amended to describe:

...The electrode 1 made from silver/silver-chloride is positioned in an opening 20 formed in a peripheral surface 22 of the body piece 2 and which extends to the hole 6. As shown in Figure 3, the electrode 1 is located at the very edge of the opening 6, thus forming a contact with the contact paste (not shown) in the hole 6.

Since the originally filed specification described that, "The electrode 1 made from silver/silver-chloride is located at the very edge of the opening 6, thus forming a contact with the contact paste (not shown) in the hole 6" and the originally filed drawings (Figure 3 in particular) clearly depict electrode 1 in an opening formed in a peripheral surface connecting the inner and outer surfaces of body piece 2, the above-noted description and labeling of the opening and peripheral surface are not new matter.

In view of the above, withdrawal of the objection to the Abstract of the disclosure and the specification is respectfully solicited.

#### **DRAWING CORRECTION**

A replacement sheet of drawing, which includes Figs. 1-6, has been submitted for the original sheet of drawing, which includes Figs. 1-6, to amend Fig. 3. In Fig. 3, opening 20 and peripheral surface 22, now mentioned in the specification, have been labeled.

#### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1-15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In support of this position, the Examiner identifies a number of reasons why the claims are deemed indefinite. By this response, claim 11 has been canceled and claims 1-10 and 12-15 have been amended to recite the invention with the degree of precision and particularity required by the statute. Therefore, it is respectfully urged that the rejection be withdrawn as to amended claims 1-10 and 12-15.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103**

I. Claims 1, 2, 7 and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by either Kater (USPN 3,469,577) or Cosentino (USPN 3,580,240).

Claims 1, 4, 6-9 and 12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sams (USPN 4,323,076).

To expedite prosecution, independent claim 1 has been amended to delineate:

An electrode structure for attachment to a more extensive measuring structure, in order to measure electrical responses from the human body, the electrode structure comprising:

a inner surface to contact with a measurement subject;

an outer surface opposed a predetermined distance to the inner surface;

a peripheral surface connecting the inner surface and the outer surface;

a central opening in the inner surface extending through the outer surface;

an opening in the peripheral surface extending though the electrode structure to meet the central opening; and

an electrode fitted in the opening in the peripheral surface, the electrode having a measuring lead, an electrode pellet and a conductor connecting the measuring lead and the electrode pellet, an end of the electrode pellet being positioned where the opening in peripheral surface meets the central opening and a portion of the measuring lead extending beyond the peripheral surface.

Neither Kater, Cosentino nor Sams discloses or suggests the electrode structure now recited in amended independent claim 1. In particular, these references do not disclose or suggest an opening in the peripheral surface extending though the electrode structure to meet the central opening in the inner surface that extends through the outer surface with an electrode fitted in the opening in the peripheral surface where the electrode has a measuring lead, an electrode pellet and a conductor connecting the measuring lead and the electrode pellet with an end of the electrode pellet being

positioned where the opening in peripheral surface meets the central opening and a portion of the measuring lead extending beyond the peripheral surface.

Thus, amended independent claim 1 is patentable over Kater, Cosentino and Sams, as are amended dependent claims 2, 4, 6-10 and 12.

**II.** Claims 11 and 13-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sams.

The rejection is moot as to canceled claim 11 and claims 13-15 depend from amended claim 12 which is patentable over Sams. Therefore, 13-15, as amended, are patentable over Sams.

**III.** Claims 2, 3 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sams in view of Hazel et al. (USPN 4,051,842).

However, amended claims 2, 3 and 10 depend from amended independent claim 1 and Hazel et al. does not remedy the above-noted deficiency of Sams as to amended independent claim 1. Therefore, amended claims 2, 3 and 10 are patentable over Sams and Hazel et al., considered alone or in combination.

**IV.** In view of the above, the allowance of claims 1-10 and 12-15, as amended, is respectfully solicited.

### NEW CLAIMS

New dependent claims 17-19 have been submitted. Claims 17-19 depend from amended claims 2, 3 and 9, respectively. Therefore, claims 17-19 are patentable over Kater, Cosentino, Sams and Hazel et al. and their allowance is respectfully solicited.

### CONCLUSION

In view of the above, applicant(s) believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Date: December 18, 2007

Respectfully submitted,

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